

REMARKS

The Office action dated March 12, 2004 has been carefully considered. Claims 1-48 are active in this application. Further examination and reconsideration of the rejection of claims 1-48 are respectfully requested.

Curiously, the Office action has a heading entitled "Third Action Nonfinal Rejection." Applicant notes that this is the first substantive Office action since the filing of the subject application.

The rejection of claims 1-2, 11-15, 17-20, 22-24, and 26-31 under 35 U.S.C. 101 is respectfully traversed. It is submitted that these claims recite statutory subject matter. Even so, the rejection is deemed moot in light of the amendment to the claims.

With respect to the § 103(a) rejection, Treyz does not teach sending response information containing both the information requested by a device and geographically-oriented information based on the location of the device. At best, Treyz implies sending either one or the other. However, Treyz does not contemplate the possibility that the user will ask for one type of information which is independent of the location, and in response get both that information and information which is particular to the location of the device.

Figure 1 provides an illustration of one way in which the claim may be implemented. As can be seen, a device requests information from the same website, namely www.a.com, from two different locations. The requested information, which in this case is the information available at www.a.com, remains the same regardless of the location. Location-specific information may not have been specifically requested. Even so, the information provided from the web server includes both (a) audio/visual content which is responsive to the requested information "regardless of said location information" (such as text 72 and

pictures 73 at www.a.com) and (b) geographically-oriented information which is based on the location information. (The recitation of "audio-visual content" means audio and/or visual content.)

To the extent that there is any confusion as to this aspect of claim 1, the applicant has amended the claim to clarify that the response information includes "both" types of information and is being sent in response to the "said request." While not all of the information must come from the same source or server, the information sent in response to the original request must therefore include both types of information. Treyz, again, simply sends at best one type of information or the other and there is no suggestion to do more.

This particular advantage of the claim is recited right in the specification itself. The specification states "one of the advantages of the present invention is that in response to requests for information from users, the server provides not only the requested information but other information which is relevant to the current location of the user." See Paragraph 26.

Applicants take further exception to the Official Notice referenced at page 6 of the Office action stating that "[i]t would have been obvious to a person of ordinary skill in the art at the time of the invention to include elements and limitations of claims 2-31...because ...(see Treyz (col.1, ll. 40-45))." The Official Notice is respectfully traversed for the reason that the justification set forth in the Office action is inconsistent with the problem, solution and art area with which Treyz is concerned as set forth above. Applicant hereby requests that the authority for the statement set forth in the Official Notice be produced.

For the reasons noted above, it is submitted that independent claims 1, 32 and 41 recite subject matter patentably distinct from the cited art

The dependent claims now in the application merely recite limitations in addition to those recited in the independent claims from which they depend. For this reason, these claims are submitted as being patentably distinguishable over the cited art.

In view of the foregoing amendment and remarks, this case is submitted as being in a condition for allowance. Favorable action is respectfully requested.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: June 18, 2004

Respectfully submitted,

By 

Stanton C. Braden

Registration No.: 32,556

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant